

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) CRIMINAL NO. 17CR30119-SMY
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)
VICTOR LINTON,)
)
)
Defendant.)
)

STIPULATION OF FACTS

Comes now, Steven Weinhoeft, United States Attorney for the Southern District of Illinois, and Jennifer Hudson, Assistant United States Attorney, together with the Defendant, Victor Linton, and his attorney, Michael Ghidina, and hereby enter into the following Stipulation of Facts consistent with Section 1B1.3 of the United States Sentencing Guidelines pertaining to the Defendant's relevant conduct.

FACTUAL BASIS

1. On or about April 12, 2017, VICTOR LINTON, A. M., and B. E. took a silver, 2010 Hyundai Santa Fe with Nebraska license plate that the owner left running and unlocked in a driveway.
2. LINTON, A. M. and B. E. agreed with each other to commit a series of robberies to gain United States currency.
3. The series of robberies began early on April 13, 2017 in Raytown, Missouri. LINTON and B. E. entered the gas station/convenience store with a firearm. They demanded cash, received it, and fled. Receipts that were recovered later from the Santa Fe show that

LINTON, A. M., and B. E. used the proceeds to make cash purchases at Dollar General, Rally House, Foot Locker, and TJ Maxx in the Kansas City metropolitan area.

4. On April 14, 2017, after arriving in the Southern District of Illinois, LINTON, A. M., and B. E. made a two-minute video. LINTON, A. M., and B. E. displayed large wads of United States currency. LINTON, A. M., and B. E. were sitting inside of the 2010 Santa Fe. After making this video, B. E. posted it onto his public Facebook page.

5. On April 15, 2017 at approximately 2:27 a.m., LINTON, A. M., and B. E. entered the O'Fallon, Illinois Moto Mart. Before entering the store, the trio covered their hair and faces. Upon entering the store, B. E. withdrew a firearm and placed it to clerk, D. B.'s head. D. B. heard three clicking sounds. D. B. stated the robbers pressed the gun to her face and neck and struck her with her purse. D. B. stated that the robbers took the money from the cash register. D. B. did not consent to the taking. D. B. was afraid she would die and was shaking visibly when law enforcement arrived. Moto Mart engages in interstate commerce. The gas and other products sold inside the store are transported across state lines prior to their sale.

6. On April 15, 2017 at approximately 2:57 a.m., LINTON, A. M., and B. E. entered the Troy, Illinois Circle K. The trio covered their hair and faces. B. E. withdrew a gun and placed the gun against the clerk's face. The trio demanded United States currency and the clerk heard a click. The clerk did not want to give the robbers the funds, but was afraid for his life. When the cash was taken, the suspects drove away in the Sante Fe. The clerk identified LINTON from photographs. Law enforcement found that the Sante Fe was visible in Ace Hardware surveillance video. Circle K engages in interstate commerce. The gas and other products sold inside the store are transported across state lines prior to their sale.

7. On April 15, 2017 at approximately 3:17 a.m., LINTON, A. M., and B. E. entered the Maryville, Illinois Casey's General Store. All three robbers ran into the store. B. E. raised the same handgun and pointed it at the clerk. D. W., the clerk, heard the gun cocked. B. E. demanded United States currency from the clerk. The robbers emptied two cash registers. D. W. stated that he heard the robber "rack the slide" several times during the robbery. The clerk did not want to give the robbers the funds, but was afraid for his life. The third robber found the second clerk, Z. W., and demanded his valuables. Casey's General Store engages in interstate commerce. The gas and other products sold inside the store are transported across state lines prior to their sale.

8. On April 15, 2017 at approximately 3:17 a.m., LINTON, A. M., and B. E. did knowingly carry and use a firearm when entering the Casey's General Store. B. E. produced a firearm, held it, brandished it, racked the slide, and cocked the gun to intimidate the clerk. LINTON, A. M., and B. E. used the firearm to make the robbery easier for them.

9. Later in the day on April 15, 2017, LINTON, A. M., and B. E. went to Cabela's and tried to purchase a firearm. Video surveillance shows the trio looking at the firearms' display tables. Ultimately, LINTON, A. M., and B. E. purchased .25-caliber ammunition. The receipt was located within the Santa Fe.

10. Documents and phone records establish that A. M. and LINTON traveled from the St. Louis/Metro East region, to the Chicago area, to Indianapolis, before returning to Illinois on April 19, 2017.

11. On April 19, 2017 at 1:47pm, A. M. and LINTON entered Prime Sole in Effingham, Illinois. Neither A. M. nor LINTON were masked. There, they selected items of clothing and attempted to leave the store without paying for the merchandise. The clerk,

however, saw their conduct and attempted to stop them. A. M. withdrew a handgun from his person and fired one shot at the clerk. The clerk did not want to give away store products that were transported in interstate commerce, but he did not want to die. A. M. and LINTON fled from the scene in the 2010 silver SUV. At the time of the robbery, Prime Sole was a business that engaged in interstate commerce.

12. Effingham, Illinois is in the Southern District of Illinois.

13. On April 19, 2017 at approximately 1:47 p.m., LINTON and A. M. did knowingly carry and use a firearm when robbing Prime Sole. A. M. produced a firearm, brandished it and fired one shot directly at the clerk. LINTON and A. M used the firearm to make the robbery easier for them.

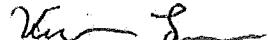
14. Law enforcement recovered the spent casing. A comparison was made between the Prime Sole casing and the casings recovered from the Missouri shooting. The casings match.

15. During the robberies, the suspects wore distinctive clothing, for example, blue boxer shorts with a white dot-like pattern and white Nike high top shoes with black “swoosh” Nike emblem. When LINTON and A. M. abandoned the Santa Fe on April 20-April 21, 2017 in Booneville, Missouri specific items of clothing seen in Casey’s, Circle K, and Moto-Mart videos were recovered from the Santa Fe.

16. On April 19, 2017 at approximately 1:47 p.m., LINTON and A. M. did knowingly carry and use a firearm when robbing Prime Sole. A. M. produced a firearm, brandished it and fired one shot directly at the clerk. LINTON and A. M used the firearm to make the robbery easier for them.

SO STIPULATED

X



VICTOR LINTON
Defendant



JENNIFER HUDSON
Assistant United States Attorney


MICHAEL GHIDINA
Counsel for the Defendant